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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,030	10/31/2003	Tetsuya Kondo	0505-1253P	1096
2292	7590	12/02/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			CARIASO, ALAN B	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**Office Action Summary**

Application No.

10/697,030

Applicant(s)

KONDO ET AL.

Examiner

Alan Cariaso

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-18 is/are rejected.
- 7) ☒ Claim(s) 9, 10 and 19-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Receipt of applicant's amendment filed September 19, 2005 is acknowledged. Claims 1-22 are pending. Claims 1-3, 9, 11-13 and 19 are amended. Claims 21 and 22 are newly submitted.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 11 July 2005 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the light received from

an inner surface of said case (claims 3 and 13) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "103". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should

include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claims 1, 2, 12, 21 and 22 are objected to because of the following informalities:
6. Claim 1, line 11, the phrase "forward of direction" is grammatically incorrect.
7. Claim 1, last line, the phrase "respect the vehicle" appears to be missing the term —to—after "respect".
8. Claims 2 and 12, last line(s), commonly recite "a constricted portion", which is unclear as being the same as or different from the preceding "said two reflecting surfaces are constricted in external form at a connection where they are adjacent to each other". It appears that "constriction portion" is directed related to or the same as this connection. This relationship should be made clear.
9. Claims 21 and 22 are redundant to each other because they each recite the same limitation(s) and depend from claim 2.
10. Claims 21 and 22, lines 2-3, "said blind member" is incomplete from its original terminology of "blindfold member".

11. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

12. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

13. Claims 3, 4, 7, 8, 13, 14, 17 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 3 and 13 commonly recite "said blindfold member has a surface which is formed at such an angle so as to project light received from an inner surface of said case in a forward direction with respect to the vehicle". It is not clear how light is possibly conducted or radiated from an inner surface of the case, especially where the inner surface of the case appears highly obscured from external light and the internal light source, and where the inner surface is disclosed to be black or dark in color. Claims 4 and 14 commonly recite "the inner of said case is black in color" which further obscures the ability of light to radiate or reflect light, because dark or black color is known to substantially absorb light. It is considered highly plausible to receive light from an obscured inner surface of the case, the inner surface being colored black. Thus, these claims lack of enablement.

***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1, 5, 11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by KANO et al (DE 19649602).

16. KANO discloses a headlamp assembly for a vehicle comprising: a reflector (19, fig.4) having a reflecting surface; a lens (21, fig.5) provided on a front side of said reflector (19); a case (15, fig.5) disposed so as to enclose a rear portion of said reflector (19) and supporting the reflector (19); a blindfold member (46, figs.4 & 6) is provided to fill a gap (figs.4 & 6) which is formed between said case (15) and said reflector (19) when view from the front side (figs.4 & 6); a reflecting surface (46) is formed on a front side of said blindfold member (46) at an angle (fig.6) which is set *(according the downward adjusting of the reflector in fig.9)* so that it appears capable of receiving light from below and *conduct light in a forward of direction with respect to* the vehicle; wherein said blindfold member (46) is integral with a front edge (fig.6) of said reflector (19).

17. As best understood, claims 3 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by HITOSHI (JP 2000322923 A).

18. HITOSHI discloses a headlamp assembly (*fig.7*) for a vehicle comprising: an electric bulb (53, *fig.7*); a reflector (38) having a reflecting surface; a lens (31) provided on a front side of said reflector (38); a case (30) disposed so as to enclose a rear portion (*fig.7*) of said reflector (38) and supporting the reflector (38); a blindfold member (*peripheral edges of reflector has wave-shaped cross-section in fig.7*) is provided to fill a gap (*fig.7*) which is formed between said case (30) and said reflector (38) when view from the front side; said blindfold member (*wave-shaped peripheral edge of reflector 38*) has surface which is formed at such an angle so as to *be capable of projecting light if it were possible to be received from an inner surface (front edge of case 30 has some inner surface exposed to and adjacent the wave-shaped section of reflector 38, fig.7)* of said case (30) forwards of the vehicle when viewed from the front side (*fig.7*).

19. Claims 11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by HALVORSON, Jr. (US 1,394,896).

20. HALVORSON discloses a headlamp assembly for a vehicle comprising: an electric bulb (22, *fig.3*); a reflector (13, *figs.1-3*) having a reflecting surface; a lens (*fig.3*) provided on a front side of said reflector (13); a case (10) disposed so as to enclose a rear portion of said reflector (13) and supporting the reflector (13); a blindfold member (12) is provided to fill a gap (*fig.1*) which is formed between said case (10) and said reflector (13) when view from the front side (*fig.1*); a reflecting surface (12) formed on a front side of said blindfold member (12) at an angle (*fig.1*) which is set so as *that* light (rays 31,33) received from below (*from point source 15*) is conducted in a forward



*direction (rays 32,33') with respect to the vehicle; said blindfold member (12) has surface which is formed at such an angle (fig.1) so as to project an inner surface (10) of said case (10) forwards of the vehicle when viewed from the front side (fig.1); wherein said blindfold member (12) is integral with a front edge of said reflector (13).*

***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 2, 6, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over KANO et al (DE 19649602) in view of PUENTE et al (GB 2,254,686).

23. KANO discloses the claimed invention including two said electric bulbs (16,17) arranged vertically side by side (fig.4) and said reflector (19) has two reflecting surfaces (19a,19b) that as best illustrated (fig.4) are constricted at a connection (19c) defining a constriction portion (19c) where they are adjacent to each other. However KANO does not disclose said blindfold member being disposed in a gap between said constricted portion and said case.

24. PUENTE teaches an embellishing element (24) at a constricted connection (figs.1-3) between two reflecting surfaces (pg.3, last paragraph), the embellishing element (24) having a lateral extension (pg.4, 2<sup>nd</sup> paragraph) integral with reflector for the purpose of filling any gaps or making dark-ugly zone not visible (pg.3) giving a

homogeneous appearance of the two reflectors with respect to the headlamp housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the headlamp assembly of KANO et al to include the type of laterally extending embellishing element between the adjacent reflectors as taught in PUENTE et al in order to dark gaps invisible and produce a homogeneous appearance of both reflectors with respect to the headlamp housing.

#### ***Allowable Subject Matter***

25. Claims 9, 10 and 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

26. The following is a statement of reasons for the indication of allowable subject matter: Claims 9, 10, 19 and 20 have allowable subject matter not suggested by the prior art of record, the blindfold member being an uneven surface having ridges extending laterally with respect to the vehicle; and none of the prior art of record suggests said blind(fold) member straddling between said upper and said lower reflector, as recited in claims 21 and 22.

#### ***Response to Arguments***

27. New drawing objections are set forth above in response to applicant's amended claims 3 and 13, regarding "light received from an inner surface of said case". The

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second drawing objection is based on a discovery that illustrated part designated by reference numeral 103, is not disclosed in the specification.

28. New claim objections are based on minor errors in regards to amended claim 1 and on redundancy based on new claims 21 and 22. Claims 2 and 12 are objected based applicant's amendment that made the "a constriction portion" vague, bearing no relationship to the related "constricted ... connection".

29. New rejection of claims 3, 4, 7, 8, 13, 14, 17 and 18 being rejected under 35 U.S.C. 112, first paragraph, is based on amended claims 3 and 13, regarding "light received from an inner surface of said case", which further conflicts with the inner surface being black in color, recited in claims 4 and 14.

30. In regards to claims 1 and 11, applicant argues that elements in these claims are not disclosed or made obvious by the prior art to Kano and Halvorson. In contrast to the present invention, Kano et al. (DE 196 49 602) FIGS. 4, 5, and 6 merely disclose elements 46 having surfaces facing laterally and upwardly on element 91a. As can be seen from FIGS. 4, 5, and 6, the elements 46 of Kano et al. are only attached to an upper element 19a, and so that it is not possible to view light from below because the lower element 19b would block light from below. The surfaces 46 of Kano et al. are completely different from the reflecting surface of the blindfold member of claims 1 and 11 of the present invention. In addition, the reflector 12 of Halvorson, Jr. is not a blindfold member, as presently claimed.

31. In rebuttal, claims 1 and 11 include amended "set so that light received from below is conducted in a forward direction with respect to the vehicle" is viewed as a

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broad condition as in function, and that the reflecting surface 46 of Kano is considered capable of being set in that claimed manner by the pivoting adjusting mechanism in fig.9 of Kano, that would allow the reflect surface 46 to tilt or incline downward so as to reflect light from below forward with respect to the vehicle. As for Halvorson maintaining rejection of claims 11 and 15, the claimed blindfold member with reflective surface is adequately met by the peripheral or outer reflective surface 12 of Halvorson, as claimed, given that light from below is apparently reflected in a forward direction.

32. In regards to claims 3 and 13, applicant argues that elements in these claims are not disclosed or made obvious by the prior art to Hitoshi and Halvorson, Jr. In contrast to the present invention, Hitoshi (see FIG. 5) merely discloses an inner surface of the case 30 facing the back side of the reflector 38. In other words, the inner surface of the case 30 of Hitoshi is disposed in such a position such that it would be impossible for the blindfold member 39 to receive light from an inner surface of the case 30, and to project that light in a forward direction with respect to the vehicle. Further, in contrast to the present invention, Halvorson, Jr. FIG. 1, merely discloses a case 10 having an inner surface behind reflector 12. In other words, the inner surface of the case 10 of Halvorson, Jr. is disposed in such a position such that it would be impossible for the reflector 12 to receive light from an inner surface of the case 10, and to project that light in a forward direction with respect to the vehicle.

33. In rebuttal, the rejection of claims 3 and 13 solely by Hitoshi has been redirected to figure 7, which adequately shows some exposure of the inner case surface to the adjacent peripheral wave-shaped structure of the reflector, that would allow light, if it

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were possible to be directed from the inner surface of the case, to be reflected in a forward direction as claimed. Rejection of these claims by Halvorson was been withdrawn.


34. Regarding the rejection of claims 11 and 15 in view of Kano, it was reconsidered have the same subset of limitations to claims 1 and 5 and apparently overlooked. Similarly, depending claims 12 and 16 recite the same in language as in depending claims 2 and 6, both sets now rejected in further view of Puente. The allowability of subject matter in claims 12 and 16, is withdrawn.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Carliso  
Primary Examiner  
Art Unit 2875

November 30, 2005  
AC